

Secretary Rodney E. Slater
 Department of Transportation
 ATTN: Docket Clerk
 Docket No. 97-2350
 Room PL-401
 4000 Seventh St., S.W.
 Washington, D.C. 20590-0001

Re: Docket No. FMCSA-1997-2350 - 21980

Dear Secretary Slater:

With respect to the above captioned NOPR, this agency is in agreement with Niagara Mohawk Power Corporation as noted below, and wishes to request that drivers of utility vehicles be exempted, regardless of the extent of the electric restoration effort:

- (1) The NOPR's fatality and injury reduction efforts, which are targeted at drowsy, tired or fatigued commercial motor vehicle (CMV) drivers, are laudable but inappropriately include utility service vehicle drivers operating CMV's during utility service outages.
- (2) The NOPR errs in not exempting drivers of utility service vehicles that provide emergency response to unplanned utility service interruptions and outages for the duration of the emergency.
- (3) In not exempting drivers of utility service vehicles, the NOPR creates excessive costs to consumers without achieving any demonstrable benefits. Excessive costs are in the form of unnecessarily prolonged utility service outages that inure to the detriment of the public health and welfare. Utility industry studies have shown that the utility industry accident/fatality rate is significantly below that of CMV drivers and that working extended hours in emergency utility service restoration efforts does not increase the risk to the public from utility service vehicle operation.
- (4) There is far greater exposure and danger to the public health and welfare from unnecessarily prolonged utility service outages, be same measured in minutes, hours or days, than the danger to health and welfare by drivers of utility service vehicles on the nation's roads during emergency utility service restoration efforts.

We would ask that, all factors considered, the DOT exempt utility service vehicle drivers from the proposed changes in rules.

Sincerely,

Pat Clark 

Pat Clark
 President
 Northern Onondaga County Fire Line Assoc.

Sec - Sandy Murphy
 8155 Lawton Rd
 Clay, New York 13041

**NORTHERN SECTION
 FIRE LINE OFFICERS ASSOCIATION**
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